

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

IN RE NOVASTAR FINANCIAL, INC. SECURITIES LITIGATION) Case No. 04-0330-CV-W-ODS
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**DECLARATION OF RICHARD H. WEISS IN SUPPORT OF
PLAINTIFFS' REPLY SUGGESTIONS IN FURTHER SUPPORT OF
MOTION FOR APPOINTMENT OF MILBERG WEISS AS CLASS COUNSEL**

I, Richard H. Weiss, declare as follows:

1. I am an attorney licensed to practice in the State of New York and have been admitted *pro hac vice* to practice before this Court. I am a partner of the law firm of Milberg Weiss Bershad & Schulman LLP, which is co-lead counsel of record for plaintiffs in the above-entitled action. I submit this declaration in support of Plaintiffs' Reply Suggestions in Further Support of Motion for Appointment of Milberg Weiss as Class Counsel.

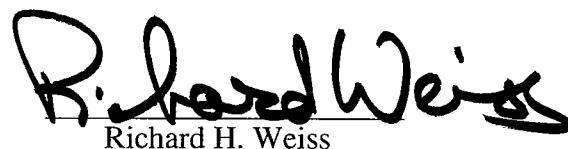
2. Attached as exhibits hereto are true and correct copies of the following documents, which are referred to in Plaintiffs' Reply Suggestions in Further Support of Motion For Appointment of Milberg Weiss as Class Counsel:

Exhibit 1: U.S. District Judge Stephen P. Friot's Memorandum re: Appointment of Master, *In re Williams Securities Litigation.*, No. 02-72 (N.D. Okla. July 19, 2006).

Exhibit 2: March 31, 2006 Order of Consolidation, *In re Chapparral Res., Inc. Shareholders Litigation*, No. 2001-N (Del. Ch. 2006).

- Exhibit 3:** June 5, 2006 Order, *In re Medtronic, Inc., Implantable Defibrillator Product Liability Litigation.*, No. 05-1726 (D. Minn. June 5, 2006).
- Exhibit 4:** July 13, 2006 Decision and Order, *Sollins v. Alexander*, Index No. 601272/2006 (Sup. Ct. N. Y. Co. July 13, 2006).
- Exhibit 5:** Cover page and page 6 of a May 24, 2006 Motion Hearing Transcript in *Schoenbaum v. E.I. Dupont de Nemours & Co.*, No. 05-1108 (E.D. Mo. 2005).
- Exhibit 6:** Cover page and pages 33-38 of a June 1, 2006 Transcript of Conference in *In re Zyprexa Products Liability Litigation*, No. 04-1596 (E.D.N.Y. 2004).
- Exhibit 7:** June 2, 2006 Opinion of U.S. District Judge Dennis M. Cavanaugh in *Simon v. KPMG LLP*, No. 05-3189 (D.N.J. 2005).
- Exhibit 8:** Leon Silverman, *Letters to the Editor, Milberg Weiss at the Top in Securities Class Actions*, WALL ST. J., June 12, 2006, at A13.
- Exhibit 9:** Congress's *Statement on the Indictment of Milberg Weiss Bershad & Schulman*.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct. Executed this 31st day of August, 2006.



Richard H. Weiss